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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
OCTOBER 25, 2018 – REGULAR MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

Present: Ellen delaRosa-Pearn, Jack Ketchum, George Postmus, Rachel Terpstra
Absent: Larry Mierle, Tom TenCate
Participant: Lukas Hill, Community Development Director

I. Call to Order

The meeting was called to order by Ketchum at 7:09 p.m.

II. Approval of Minutes

Terpstra moved to approve the minutes of the September 27, 2018 meeting as presented. DelaRosa-Pearn seconded the motion, which passed unanimously.

III. Adopt Agenda

DelaRosa-Pearn moved to adopt the agenda as presented. Postmus seconded the motion, which passed unanimously.

IV. Public Comment

A time for public comment was provided. There were no comments.

V. Lomeo – Accessory Building Variance – 18953 N Fruitport Rd

Paul Lomeo, owner, and Samuel Gagnon, contractor, presented the request for an additional 440 square foot addition to an existing accessory building.

Lomeo stated he received a variance for the existing garage in 2009. Assessing records show there is a 400 square foot barn on the property which Lomeo stated has been removed. The property is almost 5 acres and Lomeo stated he agreed as part of the 2009 approval to a restriction that the accessory building must be removed if the property is split.

Hill clarified that the barn is shown on the assessing records, but that it was not included in the Community Development Director's report. The property has two existing accessory buildings with a total area of 1980 square feet. The addition would result in a total of 2420 square feet of accessory

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buildings on the property, while a maximum of 1920 square feet are permitted via the authorization process in Section 306 F of the Zoning Ordinance.

Hill further clarified that a deed restriction was not recorded, and that the conditions of the 2009 approval do not mention any restrictions on lot splits in the conditions.

Ketchum asked about the need for more space and about the hardship requiring a variance. Lomeo stated that he collects old cars and wants space to store additional cars and his boat so they are not stored outside.

Postmus asked if there is heat in the accessory building. Lomeo stated there is heat.

DelaRosa-Pearn asked which of the two options presented Lomeo prefers. Lomeo stated he prefers the first option with the addition on the side of the existing garage because it will be easier to get cars in and out.

DelaRosa-Pearn asked if the second option, with the addition on the back of the existing garage, requires more concrete. Gagnon stated that both options would use about the same amount of concrete.

Postmus asked whether option two has an outside garage door. Gagnon stated that it has no outside garage door, and that access is through the existing garage.

Postmus asked about the size of the garage door on the addition. Gagnon stated that it is a 7-foot door. The existing garage doors are 8-foot doors.

DelaRosa-Pearn asked if there was going to be a change to the existing garage doors. Gagnon stated there would be no change.

Hill stated that this request is a variance because the property has already exceeded the limits allowed by an authorization.

The public hearing was opened at 7:32pm. There were no comments. Hill stated that no letters were received. Motion by Terpstra, support by Postmus, to close the public hearing at 7:33pm. The motion was approved unanimously.

Commissioners reviewed the criteria for granting a variance. Commissioners found that the size of the parcel and the natural screening around the existing garage presented exceptional or extraordinary circumstances for this property. They found that the variance was necessary for the owner to enjoy his property rights. They accepted the Township Attorney's interpretation that the enforcement of the literal requirements of this Ordinance would involve practical difficulties applies more to use variances than to dimensional variances.

Motion by Terpstra, support by Postmus, to approve the Lomeo variance request at 18953 N Fruitport Rd to construct 2420 total square feet of accessory building as presented as the application meets all

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criteria in Section 112 I of the Zoning Ordinance, based on the unique size, layout and screening of the property in question, with the following conditions:

- a. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.
- b. The applicant places the property into a restrictive covenant prohibiting any future land divisions unless the total square footage of accessory buildings remaining on the main parcel is reduced to 1920 square feet. In addition, the restrictive covenant shall be reviewed by the Township Attorney prior to recording.

A roll call vote was taken. The motion was approved unanimously.

VI. 2019 Meeting Dates – Consideration of Adoption

Motion by Terpstra, support by delaRosa-Pearn, to approve the 2019 ZBA meeting dates as presented. The motion was approved unanimously.

VII. Adjournment

Terpstra moved to adjourn the meeting at 7:43pm with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals